
WISCONSIN LEGISLATIVE COUNCIL STAFF

**1998 ANNUAL REPORT ON THE
LEGISLATIVE COUNCIL RULES CLEARINGHOUSE***

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* This Report was prepared by Ronald Sklansky, Director, and Richard Sweet, Assistant Director, Rules Clearinghouse, Legislative Council Staff.

PART I
FUNCTION OF THE LEGISLATIVE COUNCIL
RULES CLEARINGHOUSE

A. REVIEW OF RULES

Legislative review of proposed administrative rules begins with the submission of a rule to the Legislative Council Rules Clearinghouse. Section 227.15, Stats., requires that, prior to any public hearing on a proposed rule or prior to notification of the presiding officer of each house of the Legislature if no hearing is held, an agency must submit the proposed rule to the Legislative Council Rules Clearinghouse for review by the Legislative Council Staff. (See the *Administrative Rules Procedures Manual* (September 1998), prepared by the Legislative Council Staff and the Revisor of Statutes Bureau, for more information on drafting, promulgating and reviewing administrative rules.)

The Legislative Council Staff is provided 20 working days, following receipt of a proposed rule, within which to prepare a report on its review of the rule. However, with the consent of the Director of the Legislative Council Staff, the review period may be extended for an additional 20 working days.

Upon receipt of a proposed administrative rule, the Legislative Council Staff assigns the rule a Clearinghouse rule number, records the submission of the rule in the *Bulletin of Proceedings* of the Wisconsin Legislature and prepares two numbered rule jackets, one for the Assembly and one for the Senate.

The Director of the Rules Clearinghouse assigns the rule to a Legislative Council Staff attorney or analyst for review and preparation of the statutorily required report. The staff member generally prepares the report within 10 working days and transmits the report to the Director or Assistant Director for final review. When the report on the proposed rule is completed, the staff returns to the agency the rule, the rule jackets and the Clearinghouse report containing the results of the review. [See *Appendix 1* for a sample Clearinghouse report.]

In accordance with s. 227.15, Stats., the Clearinghouse report is structured to:

1. Review the statutory authority under which the agency intends to adopt the rule.
2. Review the proposed rule for form, style and placement in the Wisconsin Administrative Code.
3. Review the proposed rule to avoid conflict with, or duplication of, existing rules.
4. Review the proposed rule to ensure that it provides adequate references to related statutes, rules and forms.

5. Review the language of the proposed rule for clarity, grammar and punctuation and to ensure the use of plain language.

6. Review the proposed rule to determine potential conflicts and to make comparisons with related federal regulations.

7. Review the proposed rule to determine whether the agency has specified the number of business days within which the agency will review and make a determination on an application for a business permit.

As part of this review process, the Legislative Council Staff is directed to ensure that procedures for the promulgation of the rule are followed, as required by ch. 227, Stats., and to streamline and simplify the rule-making process.

B. OTHER RELATED RESPONSIBILITIES

Other primary rule review responsibilities of the Legislative Council Staff include the following:

1. Working with and assisting the appropriate legislative committees throughout the rule-making process.

2. Notifying the Joint Committee for Review of Administrative Rules (JCRAR) and appropriate committees of the Legislature whenever the rule-making authority of an agency is eliminated or significantly changed by the repeal, amendment or creation of a statute, by the interpretive decision of a court of competent jurisdiction or for any other reason.

3. Assisting the public in resolving problems related to administrative rules. This function includes providing information, identifying agency personnel who may be contacted in relation to rule-making functions, describing locations where copies of rules, proposed rules and forms are available and encouraging and assisting participation in the rule-making process.

The final responsibility of the Legislative Council Staff is the submission of an annual report to the chief clerk of each house of the Legislature and to the Governor summarizing any action taken by the staff and making recommendations to streamline the rule-making process and eliminate obsolete, duplicative and conflicting rules. This document is the 19th *Annual Report* submitted by the Legislative Council Staff and covers the staff's activities during calendar year 1998. This report has been preceded by an initial report to the 1979 Legislature, which covered the staff's activities from November 2, 1979 to April 1, 1980 (i.e., from the effective date of Ch. 34, Laws of 1979, which initiated the omnibus rule review process, to the end of Floorperiod IV of the 1979 Session) and annual reports for calendar years 1980 to 1997.

C. RECORDKEEPING SYSTEM

The Legislature's *Bulletin of Proceedings* is used for recording actions relating to the review of administrative rules. The Legislative Council Staff, the Senate and Assembly Chief Clerks and the Legislative Reference Bureau cooperate in a computerized recordkeeping system. Commencing with the 1979 Session, action on administrative rules has been shown in a separate part of the *Bulletin of Proceedings*.

Under this system, each proposed rule is assigned a number and entered in the computer by the Legislative Council Staff. A copy of the Clearinghouse report is placed in a Senate and Assembly rule jacket (similar to bill jackets) and the rule is then transmitted to the agency promulgating the rule for its review. After transmittal, all legislative actions taken on the rule are entered on the face of the jacket and are reported to the chief clerks of each house. The chief clerks enter the actions in the computerized system, thereby compiling a history of all legislative actions taken on a rule.

At the beginning of each biennial session, the administrative rule portion of the *Bulletin of Proceedings* is updated by deletion of all records relating to rules which, in the preceding session, have become effective, have been withdrawn or have been permanently objected to by law. Also removed from the *Bulletin of Proceedings* annually and withdrawn from the rule-making process is any proposed rule that, in accordance with s. 227.14 (6) (c), Stats., has been pending for at least four years, but no more than five years, after the date of its receipt by Legislative Council Staff under s. 227.15 (1), Stats. The final *Bulletin of Proceedings* printed for the preceding session then serves as the permanent record of the disposition of those rules. The remaining rules, which are still in the promulgation process, are carried over into the new *Bulletin of Proceedings* for the following biennial session.

The Legislative Council Staff cooperates with a private reporting service that reports on recent actions taken on all proposed administrative rules moving through the legislative review process.

PART II

1998 ACTIVITIES OF THE RULES CLEARINGHOUSE

A. LEGISLATIVE COUNCIL STAFF REVIEW OF PROPOSED ADMINISTRATIVE RULES

During 1998, 208 proposed administrative rules were submitted to the Legislative Council Staff by 23 state agencies. Two proposed rules were withdrawn prior to the preparation of a Clearinghouse report.

As of December 31, 1998, Clearinghouse reports had been completed on 190 of the 208 proposed rules and 16 rules were in the process of review. In addition to the 190 rule reports completed on 1998 rules, reports were prepared in 1998 on 10 rules received in late 1997. Of the 200 reports completed in 1998, no rule required an extension of the review process by the Director of the Legislative Council Staff. Clearinghouse activities in 1998 are summarized below:

Rules Received in 1998		208
Withdrawn	2	
No report required	0	
Pending	16	
		-18
1998 Reports Completed		190
1997 Reports Completed in January 1998		+10
Total Reports in 1998		200

The table below shows that, from November 2, 1979 (the beginning of the omnibus rule review process) through December 31, 1998, the Clearinghouse has received 4,329 rule submissions and completed reviews on 4,232 proposed rules. Of the total rule submissions, 81 were exempt from the reporting process for various reasons and 16 were under review at the end of 1998.

<i>Year</i>	<i>Received</i>	<i>Completed</i>	<i>Exempt</i>
1979	70	45	12
1980	252	227	24
1981	252	234	9
1982	251	254	3
1983	222	220	4
1984	255	247	2
1985	213	206	4
1986	251	252	4
1987	182	186	1
1988	219	216	5
1989	212	208	1
1990	264	254	3
1991	199	205	2
1992	225	228	0
1993	241	232	1
1994	225	234	0
1995	236	224	2
1996	194	201	1
1997	158	159	1
1998	208	200	2
Total	4,329	4,232	81

In 1998, rules were received from the following 23 state agencies:

Number of Proposed Rules, by Submitting Agency

Arts Board	1
Department of Administration	3
Department of Agriculture, Trade and Consumer Protection	14
Department of Commerce	19
Department of Corrections	4
Department of Employee Trust Funds	3
Department of Financial Institutions	3
Department of Health and Family Services	16
Department of Military Affairs	1
Department of Natural Resources	44
Department of Public Instruction	10
Department of Regulation and Licensing	28
Department of Revenue	5
Department of Transportation	18
Department of Veterans Affairs	4
Department of Workforce Development	10
Division of Hearings and Appeals	1
Elections Board	1
Office of the Commissioner of Insurance	10
Public Service Commission	9
State Public Defender	1
Wisconsin State Fair Park	1
Wisconsin Technical College System Board	2
Total	208

Although the statistics presented in this report give some indication of the work load of the Legislative Council Staff in reviewing proposed administrative rules, it should be noted that some proposed rules are only a few sentences long while others exceed 50 pages in length. Similarly, Clearinghouse reports vary from completion of a simple checklist to reports of multiple pages. In summary, for all rule reports completed in 1998:

1. The Legislative Council Staff commented on the *statutory authority* of a proposed administrative rule on 48 occasions.

2. The Legislative Council Staff commented on the *form, style and placement* of proposed administrative rules in the Wisconsin Administrative Code on 159 occasions.

3. The Legislative Council Staff commented on a *conflict* with, or *duplication* of, existing rules on four occasions.

4. The Legislative Council Staff commented on the *adequacy of references* of proposed administrative rules to related statutes, rules and forms on 91 occasions.

5. The Legislative Council Staff commented on *clarity, grammar, punctuation and use of plain language* in proposed administrative rules on 152 occasions.

6. The Legislative Council Staff commented on the *potential conflicts* of proposed administrative rules with, and their comparability to, related federal regulations on one occasion. In addition, the Legislative Council Staff has adopted a policy of noting when proposed rules are based on federal “*guidelines*,” which do not have the force of law, as opposed to rules based on federal “*regulations*,” which do have the force of law and with which the state may have a legal obligation to comply.

7. The Legislative Council Staff did not comment on the *permit action deadline requirement*.

B. WORKING WITH AND ASSISTING COMMITTEES

Each standing committee of the Legislature, other than the Joint Committee on Finance, has a Legislative Council Staff attorney or analyst regularly assigned to it. At the time that a committee has a proposed rule referred to it by the presiding officer of the house, the assigned attorney or analyst will participate in whatever level of oversight is chosen to be exercised by the committee.

During 1998, legislative committees held hearings or requested meetings on 23 ***proposed rules***. Modifications to rules were either requested or received in the legislative review of 15 ***proposed rules***. No ***rules*** were objected to by a committee.

As a result of committee activities, ***no rule objections*** were subject to JCRAR jurisdiction in 1998.

The table below reviews legislative committee activity in the review of proposed administrative rules beginning on November 2, 1979 and ending on December 31, 1998.

LEGISLATIVE REVIEW OF PROPOSED ADMINISTRATIVE RULES (November 2, 1979 Through December 31, 1998)*						
Year	Rules Submitted	Rules Subject to Modification	Committee Review Objections	JCRAR Rule Objections	Enacted Laws Following Rule Objections	Enactments by Session Law and Other Description of Bills Introduced Following Rule Objections
11/2/79-80	322	18	5	1	0	No bill introduced, rule withdrawn
1981	252	29	10	4	4	Chapters 20 (SEC. 1561), 26, 31 and 180, Laws of 1981
1982	251	31	4	1	1	1983 Wisconsin Act 94
1983	222	30	5	0	0	--
1984	255	26	2	2	2	1983 Wisconsin Act 310 and 1985 Wisconsin Act 29 (SEC. 826)
1985	213	37	8	3	2	♦ 1985 Wisconsin Act 29 (SECS. 1059r and 2238ng to 2238or) ♦ 1985 Assembly Bill 460, passed and vetoed; override failed
1986	251	30	1	0	0	--
1987	182	30	5	0	0	--
1988	219	38	4	0	0	--
1989	212	22	6	2	0	♦ 1989 Senate Bill 89 and 1989 Assembly Bill 171 (failed to pass) ♦ 1989 Senate Bill 248 and 1989 Assembly Bill 457 (failed to pass)
1990	264	29	2	1	0	♦ 1991 Senate Bill 24 and 1991 Assembly Bill 71 (failed to pass)
1991	199	19	5	1	0	♦ 1991 Senate Bill 442 and 1991 Assembly Bill 840 (failed to pass after rule objected to withdrawn by agency)
1992	225	33	3	2	1	♦ 1993 Wisconsin Act 9 ♦ 1993 Senate Bill 3 and 1993 Assembly Bill 17 (failed to pass)
1993	241	24	1	0	0	--
1994	225	29	3	0	0	--
1995	236	19	0	0	0	--
1996	194	19	1	1	1	Late introduction in 1995 Session: ♦ 1997 Assembly Bill 5 and 1997 Senate Bill 20 (failed to pass) ♦ 1997 Wisconsin Act 237 (SECS. 320s, 322d and 322e)
1997	158	19	6	0	0	--
1998	208	15	0	0	0	--
TOTAL	4,329	497	71	18	11 (PLUS ONE BILL PASSED AND VETOED; VETO NOT OVERRIDDEN)	

* The general system of legislative review of proposed administrative rules, primarily embodied in ss. 227.15 and 227.19, Stats., took effect on November 2, 1979, as part of Ch. 34, Laws of 1979.

C. NOTICE OF CHANGE IN RULE-MAKING AUTHORITY

To date, no court decisions or changes in legislation have been brought to the attention of the Legislative Council Staff that would require notification of JCRAR or appropriate standing committees of a change in, or the elimination of, agency rule-making authority.

D. ASSISTING ADMINISTRATIVE AGENCIES

The Legislative Council Staff has responded to numerous questions from agency personnel, relating to both the process and the law governing legislative review of proposed rules.

The Director of the Rules Clearinghouse or other Legislative Council Staff made presentations regarding the legislative review of administrative rules to the following groups and state agencies:

1. On April 21, 1998, the Director spoke to attorneys participating in a continuing legal education program presented by the Department of Justice.
2. On May 7, 1998, a member of the Legislative Council Staff presented a course for a group, entitled "Managers and Elected Officials in Government-Administrative Law."
3. On June 1, 1998, the Director addressed the 1998 Department of Regulation and Licensing board member workshop.
4. On October 3, 1998, the Director spoke to the Dog Federation of Wisconsin, Inc.
5. On October 27, 1998, the Director and the Assistant Revisor of Statutes spoke to agency personnel of the Department of Employee Trust Funds.
6. On October 29, 1998, the Director spoke to new members of the Legislative Fiscal Bureau.

E. REVISION OF STATUTES DEALING WITH ADMINISTRATIVE RULE-MAKING

1997 Assembly Bill 254 was introduced on April 9, 1997 by JCRAR to amend the emergency rule-making process. The Bill proposed the following changes in the adoption of emergency rules:

1. In addition to mailing a copy of an emergency rule to each member of the Legislature at the time the emergency rule is filed, an agency must mail a copy to the chief clerk of each house of the Legislature.
2. In order to request an extension of the effective period of an emergency rule, an agency must make the request in writing to JCRAR no later than 30 days before the initial expiration date of the emergency rule. When the written request is submitted, the agency must

submit a copy of the written request to the presiding officer of each house of the Legislature and to the appropriate committees of each house of the Legislature, as determined by the presiding officer of each house. The presiding officer must enter a statement in the journal of his or her house that the agency has submitted a request to extend the effective period of the emergency rule. These provisions only apply to an initial extension request with respect to a particular emergency rule.

3. Upon receiving a request for an extension of an emergency rule, JCRAR may not only extend the effective period of an emergency rule, but it may also extend the effective period of part of an emergency rule.

4. Whenever JCRAR extends the effective period of an emergency rule, it must file a statement of its action with the presiding officer of each house of the Legislature and the appropriate committees of each of the Legislature, as determined by the presiding officer of each house.

On November 18, 1997, 1997 Assembly Bill 254 passed the Assembly on a vote of Ayes, 98; Noes, 0. The Senate concurred in the Bill on January 21, 1998. The Bill was formally enacted as 1997 Wisconsin Act 185 and took effect on May 12, 1998.

F. PUBLIC LIAISON

To date, the Legislative Council Staff has received minimal requests from the public. These infrequent questions have either concerned aspects of the rule review procedure or have related to the status of specific rules.

RS:RNS:kjf;jal;kja;kjf

APPENDIX 1
SAMPLE CLEARINGHOUSE REPORT

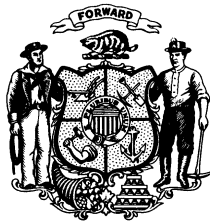
WISCONSIN LEGISLATIVE COUNCIL STAFF

LCRC
FORM 2

RULES CLEARINGHOUSE

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CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE 98-203

AN ORDER to repeal DWD 17.02 (1), (4), (19) and (20) and 17.04 (1) (a) to (f) and (4) (a); to renumber chapter HSS 217; to amend DWD 17.01, 17.02 (6), (8), (9) to (16), (18), (21), (22) and (24), 17.03 (1) (title), (1) and (2), 17.04 (1) (intro.), (2), (4) (b) and (5), 17.05 (1), (2) and (4), 17.06 (intro.) and (2) and 17.07; to repeal and recreate DWD 17.04 (4) (title), 17.05 (3) and 17.06 (3); and to create DWD 17.02 (1m), (1r), (2m), (8m) and (25), relating to the training of income maintenance workers.

Submitted by **DEPARTMENT OF WORKFORCE DEVELOPMENT**

12-14-98 RECEIVED BY LEGISLATIVE COUNCIL.
01-15-99 REPORT SENT TO AGENCY.

RS:JLK;jal;wu

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached YES ☒ NO ☐

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached YES ☒ NO ☐

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached YES ☐ NO ☒

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS
[s. 227.15 (2) (e)]

Comment Attached YES ☐ NO ☒

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached YES ☒ NO ☐

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL REGULATIONS [s. 227.15 (2) (g)]

Comment Attached YES ☐ NO ☒

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

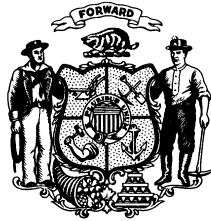
Comment Attached YES ☐ NO ☒

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CLEARINGHOUSE RULE 98-203

Comments

[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated October 1994.]

1. Statutory Authority

Section DWD 17.04 (1) provides that Department of Workforce Development (DWD) must annually define the required training for each job function, and s. DWD 17.05 (1) provides that DWD must annually define the required ongoing training for each job function. Section 49.143 (2) (c), Stats., provides that DWD must ensure that a financial and employment planner (FEP) employed by a W-2 agency must meet training requirements established by DWD **by rule**. Further, s. 49.33 (3), Stats., provides that DWD must promulgate **rules** establishing, among other things, training requirements for income maintenance (IM) workers. Thus, it appears that the required job training is to be set forth in an administrative rule, rather than bootstrapped by a reference to further department action. [See also s. DWD 17.06 (3).]

2. Form, Style and Placement in Administrative Code

a. With the repeal and recreation of s. DWD 17.05 (3), relating to ongoing training, and the fact that s. DWD 17.04 (4) (b) is limited to permitting local agencies to develop a plan to implement the standardized DWD curriculum only for training new IM workers, local agencies can no longer develop or conduct their own **ongoing** training courses. This significant change should be referred to in the analysis. [See s. 1.02 (2) (b), Manual.]

b. The third paragraph of the analysis indicates that training will either be “supervised directly by DWD” or based on a DWD-approved plan to implement the standardized curriculum. However, under s. DWD 17.04 (2), DWD may make the training available through contracted agencies. This should be referred to in the analysis.

c. SECTION 1 provides that ch. HSS 217 is renumbered to ch. DWD 17. Most of the following sections of the proposed order then amend or repeal various provisions in ch. DWD 17, without indicating in the treatment clause that they are renumbered. Further, it is inappropriate to renumber and then repeal a provision. Due to the numerous changes in ch. DWD 17, including the many amendments, repeals and creation of new provisions, it would be easier from a drafting standpoint and easier for the readers to comprehend if ch. HSS 217 were repealed and ch. DWD 17 were created in its entirety--without strike-throughs, underlining, repeals, etc.

d. The initial regulatory flexibility analysis indicates in item 2. that “No additional reporting or bookkeeping procedures are created by this rule. Income maintenance agencies will continue to have an obligation to keep records of the training of their employees.” However, as noted by the analysis to the rule, these requirements, which previously applied to county agencies and tribal agencies, are now being applied to W-2 agencies, which may be privately run agencies. Thus, item 2. in the initial regulatory flexibility analysis inappropriately suggests that there are no additional procedures created by the rule that affect small businesses.

e. In s. DWD 17.01 (1) and (2), the titles should be included, even though they are not amended. [See s. 1.05 (3) (c), Manual.] This comment also applies to ss. DWD 17.04 (2) and (5), 17.05 (1), (2), (4) and (6) (intro.) and 17.07.

f. In s. DWD 17.02 (8), “(insert effective date of rule)” should be changed to “the effective date of this subsection [revisor inserts date]”. The entire rule should be reviewed for this problem.

g. It does not appear that a definition of FEP in s. DWD 17.02 (8m) is necessary as it appears that that term is used only in the note to s. DWD 17.02 (12). If this is the case, the definition of FEP could be included in the note to s. DWD 17.02 (12).

h. In SECS. 13 and 15, the amendments to the titles should be shown by use of strike-throughs and underscores. [See s. 1.04 (3) (b), Manual.]

i. Because all of the paragraphs under s. DWD 17.04 (1) are repealed in SECTION 18, the treatment clause in SECTION 17 should provide that “DWD 17.04 (1) (intro.) is renumbered s. DWD 17.04 (1) and amended to read:”. On the following line, “(intro.)” should be deleted, and the title “STANDARDIZED CURRICULUM” should be included. [See s. 1.05 (3) (c), Manual.]

j. Section DWD 17.04 (4) (a) is repealed, thus leaving only one paragraph in s. DWD 17.04 (4). This is inappropriate as at least two subunits are necessary for division. Section DWD 17.04 (4) (b) should be renumbered as s. DWD 17.04 (4) (intro.), and the subdivisions under s. DWD 17.04 (4) (b) should be renumbered as paragraphs. [See s. 1.03 (intro.), Manual.]

This means that the title to s. DWD 17.04 (4) (b) “*Training implementation plan*” should be eliminated. Consideration should be given to including language about the training implementation plan in the recreated title to s. DWD 17.04 (4).

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. In the first paragraph of the analysis, the removal of references to the Relief to Needy Indian Persons (RNIP) Program also should be noted.

b. In the third paragraph of the analysis, “based a” should be changed to “based on a.” Also, the phrase “will now either be supervised . . . or must be based . . .” is grammatically incorrect. The phrase “must be” should be deleted so that the phrase reads “will either be supervised . . . or based on a” Alternatively, the phrase could be changed to “must either be supervised . . . or based on a”

c. In s. DWD 17.01 (1), the phrase “county, *tribe* or W-2 agency” (emphasis added) is used. In contrast, most other sections refer to a “county, *tribal* or W-2 agency” (emphasis added). A consistent approach should be used to avoid ambiguity.

In addition, it is noted that “county agency,” “tribal agency” and “W-2 agency” are all defined terms. The defined terms are used separately in s. DWD 17.02 (12) which refers to “a county agency, tribal agency, or W-2 agency.” In contrast, most other sections, such as s. DWD 17.02 (15) refers to a “county, tribal, or W-2 agency.” A consistent approach should be used to avoid ambiguity. In general, use of defined terms helps avoid ambiguity.

Also, the recreated title of s. DWD 17.04 (4) refers to “COUNTY, TRIBAL OR W-2 TRAINING.” It appears that reference to an agency should be included.

d. Section DWD 17.02 (2m) and other sections refer to a “W-2 group member.” Chapter DWD 17 does not define this term. It should be defined, for example, by referring to s. 49.141 (1) (s), Stats.

e. Section DWD 17.02 (10) and other sections refer to “Wisconsin works” or “W-2.” Chapter DWD 17 does not define this term. It should be defined, for example, by providing that it has the meaning given in s. DWD 12.03 (40) or by repeating that definition in ch. DWD 17.

f. The rule should be clarified with respect to “ongoing training” and “refresher training.” Section DWD 17.02 (16) defines “ongoing training” as “refresher training and training in interpersonal skills and case management.” However, the amended definition of “refresher training” in s. DWD 17.02 (18) already specifies that it includes training on interpersonal skills and case management, thus making the definition of “ongoing training” confusing as it then twice refers to training in interpersonal skills and case management.

Moreover, the definition in s. DWD 17.02 (21) of “successful completion of IM training for experienced IM workers” refers to attendance at “refresher, interpersonal, or case management skill courses.” Again, the amended definition of “refresher training” already specifies that it includes training on interpersonal skills and case management, thus making the definition of “successful completion of IM training for experienced IM workers” confusing as it then twice refers to training in interpersonal skills and case management.

In addition, s. DWD 17.01 (1) provides that DWD must make “refresher training” available for experienced IM workers. However, s. DWD 17.05 indicates that DWD is to develop “ongoing courses,” rather than “refresher training.” These two provisions should be reconciled.

g. In s. DWD 17.02 (18), the word “on” should not be stricken.

h. Amended s. DWD 17.02 (24) defines “tribal agency” as “an agency designated by the elected tribal governing body of a federally-recognized Wisconsin Indian tribe or band to administer W-2, MA, and food stamps.” If it is possible for a tribe to administer some, but not all, of these programs, the last phrase should be changed to “W-2, MA *or* food stamps.” Also, it appears that language should be included about having a contract with the state to administer such programs, rather than suggesting that if the tribal governing body unilaterally makes this designation, then ch. DWD 17 applies.

i. It would be preferable to change the titles of s. DWD 17.03 (1) and (2), respectively, to “~~IM WORKERS WHO BEGIN EMPLOYMENT ON OR AFTER FEBRUARY 1, 1991~~ TRAINING REQUIREMENTS FOR NEW IM WORKERS” and “~~IM WORKERS EMPLOYED BEFORE FEBRUARY 1, 1991, AND OTHER~~ TRAINING REQUIREMENTS FOR EXPERIENCED IM WORKERS.” The terms “new IM worker” and “experienced IM worker” are defined, and it seems unnecessarily duplicative to repeat the dates from those definitions in the titles to these subsections.

j. In s. DWD 17.03 (1), the reference to “new worker” in the first sentence should be changed to the defined term “new IM worker.”

k. Section DWD 17.03 (2) provides that the local agency must ensure that each experienced IM worker completes ongoing training on eligibility determinations and redeterminations “each calendar year” if the worker was an experienced IM worker for the “entire year.” It is unclear when the training requirement applies. Is the “entire year” a calendar year, and, if so, is the training required to be completed by the end of the subsequent calendar year or the same calendar year? (If it is the latter, a determination cannot be made that the person worked the entire year until December 31, at which time it becomes clear that the training requirement applies but it might not be possible to complete any required training.) This should be clarified.

l. Section DWD 17.04 (4) (b) specifies that the implementation plan must be submitted to DWD for approval “at least 45 days before the planned starting date of training, when it is first offered, and annually after that.” The deadline for submission of the subsequent plans is

ambiguous. For example, does “annually after that” refer to annually after the starting date of training or annually after the previous submission to DWD? This should be clarified.

m. After amendment, s. DWD 17.04 (4) (b) 1. will read: “Specify the number of hours of classroom training and independent study, and planned exercises and tests.” If the intent is that only the number of hours with respect to these items be specified in the training implementation plan, then the provision should be changed to read: “Specify the number of hours of classroom training, independent study, planned exercises and tests.”

APPENDIX 2
PROCESSING INSTRUCTIONS TO AGENCY HEADS

-- SAMPLE --

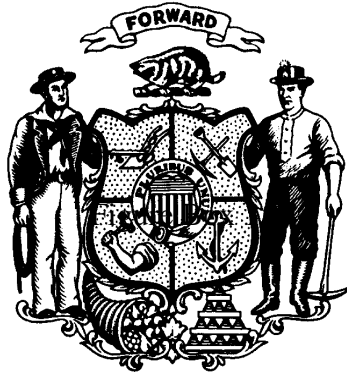
CLEARINGHOUSE RULE ASSEMBLY 98-203

AN ORDER to to repeal DWD 17.02 (1), (4), (19) and (20) and 17.04 (1) (a) to (f) and (4) (a); to renumber chapter HSS 217; to amend DWD 17.01, 17.02 (6), (8), (9) to (16), (18) , (21), (22) and (24), 17.03 (1) (title), (1) and (2), 17.04 (1) (intro.), (2), (4) (b) and (5), 17.05 (1), (2) and (4), 17.06 (intro.) and (2) and 17.07; to repeal and recreate DWD 17.04 (4) (title), 17.05 (3) and 17.06 (3); and to create DWD 17.02 (1m), (1r), (2m), (8m) and (25), relating to the training of income maintenance workers.

Submitted by Department of Workforce Development

12-14-98	Received by Legislative Council.		
01-15-99	Report sent to Agency.		

NOTE: EACH SUBSEQUENT ACTION TAKEN BY A STANDING COMMITTEE OR THE JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES WILL BE ENTERED ON THE JACKETS BY APPROPRIATE LEGISLATIVE STAFF.



***1998 ANNUAL REPORT
ON THE LEGISLATIVE COUNCIL
RULES CLEARINGHOUSE***

WISCONSIN LEGISLATIVE COUNCIL STAFF

One East Main Street, Suite 401
P.O. Box 2536
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(608) 266-1304

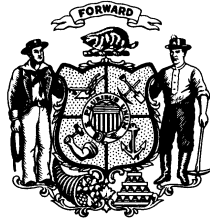
March 1999

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March 19, 1999

Mr. Donald J. Schneider
Senate Chief Clerk
One East Main Street, Suite 402
Madison, WI 53703

Dear Don:

Enclosed is a copy of the *1998 Annual Report on the Legislative Council Rules Clearinghouse*, submitted to the Legislature pursuant to s. 227.15 (5), Stats. Copies have been distributed to the offices of each member of the Legislature.

The report covers the 19th full calendar year of operation of the Rules Clearinghouse. I trust that it will be found to be informative.

Sincerely,

David J. Stute
Director

DJS:jal;kjf

Enclosure

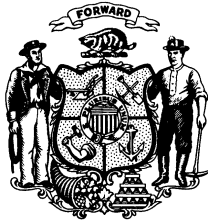
WISCONSIN LEGISLATIVE COUNCIL STAFF

LCRC
FORM 3

RULES CLEARINGHOUSE

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PROCESSING INSTRUCTIONS TO AGENCY HEADS

[ENCLOSED ARE THE SENATE AND ASSEMBLY RULE JACKETS CONTAINING THE LEGISLATIVE COUNCIL CLEARINGHOUSE REPORT. AN ADDITIONAL COPY OF THE CLEARINGHOUSE REPORT IS ENCLOSED FOR YOUR FILES.]

PLEASE NOTE: Your agency must complete the following steps in the legislative process of administrative rule review:

5. On the appropriate line on the face of both clearinghouse rule jackets, enter, in column 1, the appropriate date and, in column 2, "Report Received by Agency."

6. On the appropriate line or lines on the face of both clearinghouse rule jackets, enter, in column 1, the appropriate date or dates and, in column 2, "Public Hearing Held" OR "Public Hearing Not Required."

7. Enclose in both clearinghouse rule jackets, in triplicate, the notice and report required by s. 227.19 (2) and (3), Stats. [The report includes the rule in final draft form.]

8. Notify the presiding officer of the Senate and Assembly that the rule is in final draft form by hand delivering the Senate clearinghouse rule jacket to the Senate Chief Clerk and the Assembly clearinghouse rule jacket to the Assembly Chief Clerk. At the time of this submission, on the appropriate line on the face of the clearinghouse rule jacket, each Chief Clerk will enter, in column 1, the appropriate date and, in column 2, "Report Received from Agency." Each clearinghouse rule jacket will be promptly delivered to each presiding officer for referral of the notice and report to a standing committee in each house.

9. If the agency does not proceed with the rule-making process on this rule, on the appropriate line on the face of both clearinghouse rule jackets, enter, in column 1, the appropriate date and, in column 2, "Rule Draft Withdrawn by Agency" and hand deliver the Senate clearinghouse rule jacket to the Senate Chief Clerk and the Assembly clearinghouse rule jacket to the Assembly Chief Clerk.

FOR YOUR INFORMATION: A record of all actions taken on administrative rules is contained in the Bulletin of Proceedings of the Wisconsin Legislature. The clearinghouse rule jackets will be retained by the Legislature as a permanent record.

[See reverse side for jacket sample.]

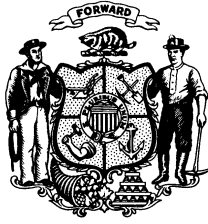
WLCS
DJS:kjf;kja
2/96

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March 1999

TO: THE HONORABLE TOMMY G. THOMPSON, GOVERNOR,
AND THE WISCONSIN LEGISLATURE

This report is submitted to you pursuant to s. 277.15 (5), Stats. Under that statute, the Legislative Council Staff is directed to submit an annual report “summarizing any action taken and making recommendations to streamline the rule-making process and eliminate obsolete, duplicative and conflicting rules.”

This report covers calendar year 1998.

We believe that the report will be informative.

Respectfully submitted,

David J. Stute
Director

DJS:jal;kjf

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March 19, 1999

Representative Glenn Grothman
Room 125 West, State Capitol
Madison, WI 53702

Dear Glenn:

Enclosed is a copy of the *1998 Annual Report on the Legislative Council Rules Clearinghouse*. All legislators will get a copy.

Sincerely,

David J. Stute
Director

DJS:jal;kjf

Enclosure

JOINT LEGISLATIVE COUNCIL

s. 13.81, Stats.

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Barbara L. Vlasak

**Information Technology
Specialist**

Kathy J. Annen

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March 19, 1999

Senator Judy Robson
Room 15 South, State Capitol
Madison, WI 53702

Dear Judy:

Enclosed is a copy of the *1998 Annual Report on the Legislative Council Rules Clearinghouse*. All legislators will get a copy.

Sincerely,

David J. Stute
Director

DJS:jal;kjf

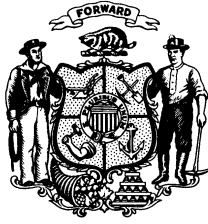
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March 19, 1999

Mr. Charles Sanders
Assembly Chief Clerk
One East Main Street, Suite 402
Madison, WI 53703

Dear Charlie:

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The report covers the 19th full calendar year of operation of the Rules Clearinghouse. I trust that it will be found to be informative.

Sincerely,

David J. Stute
Director

DJS;jal;kjf

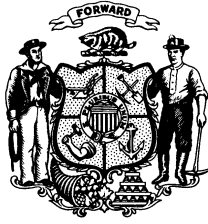
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March 19, 1999

The Honorable Tommy G. Thompson
Governor of Wisconsin
Room 115 East, State Capitol
Madison, WI 53702

Dear Governor Thompson:

Enclosed is a copy of the *1998 Annual Report on the Legislative Council Rules Clearinghouse*, submitted to you pursuant to s. 227.15 (5), Stats.

Sincerely,

David J. Stute
Director

DJS:jal;kjf

Enclosure